



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCS/145084

PRELIMINARY RECITALS

Pursuant to a petition filed November 08, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Racine County Department of Human Services in regard to Medical Assistance, a hearing was held on December 04, 2012, at Racine, Wisconsin.

The issue for determination is whether the agency properly terminated petitioner's BadgerCare Plus coverage for failure to pay a premium.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Appearing with petitioner:

[REDACTED], petitioner's husband

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Kathy Christman, Lead FEP
Racine County Department of Human Services
1717 Taylor Ave
Racine, WI 53403-2497

ADMINISTRATIVE LAW JUDGE:

Michael A. Greene
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Racine County.
2. Petitioner was a member of BadgerCare Plus, subject to a premium of \$137 per month.
3. On July 18, 2012, the agency sent petitioner a notice of decision reminding her that her premium for the month beginning August 1, 2012 had not been paid and that she would have to pay it

before the end of the next month in order to retain her coverage and avoid a restrictive re-enrollment period (Exhibit 2).

4. On October 3, 2012, the agency sent petitioner a notice of decision advising her that her BadgerCare Plus coverage had ended for failure to pay the premium for August 2012 (Exhibit 3).
5. Petitioner's premium was received at the agency on October 1, 2012

DISCUSSION

Certain individuals are required to pay a monthly premium in order to participate in BadgerCare Plus coverage. For an individual over age 19, the consequence is a termination of coverage and a twelve-month period of ineligibility, *BadgerCare + Eligibility Handbook*, Ch. 19, ¶19.8.1. "If a late payment is received by the end of the month after the benefit month, lift the Restrictive Re-enrollment Period (RRP) (19.11) and reinstate eligibility," *id.*

In the present case, the final due date for the August 2012 premium was September 30, 2012. The premium was not received by the end of the month following the benefit month, therefore it is considered to be a non-payment. The agency's action was correct.

CONCLUSIONS OF LAW

Agency properly terminated coverage and imposed a twelve-month restrictive re-enrollment period when her premium was not received by the end of the month following the benefit month.

THEREFORE, it is

ORDERED

That the petition for review herein be and hereby is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

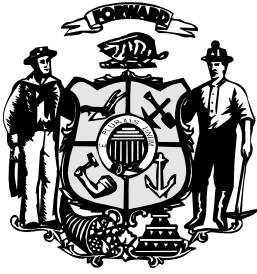
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 6th day of February, 2013

\sMichael A. Greene
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on February 6, 2013.

Racine County Department of Human Services
Division of Health Care Access and Accountability